

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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In the Matter of

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CC Docket 96-98

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Petition of the Illinois Commerce Commission
for Temporary Waiver of 47 C.F.R. Section
52.19(c)(3)(ii)

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NSD File No. L-99-65

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**REPLY COMMENTS
OF
AMERITECH**

Ameritech files these Reply Comments in support of the Petition of the Illinois Commerce Commission ("ICC") for an Expedited Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii). This Rule requires that mandatory 10-digit dialing of all calls be in place at the time that an all service overlay area code relief plan is implemented. The ICC seeks a temporary waiver of the mandatory 10-digit dialing requirement for the Chicago metropolitan area until the last of four scheduled all service overlays is implemented in the Chicago area.

Nine parties filed initial comments on the ICC's Petition. The United States Telephone Association, Ameritech and SBC Communications, Inc. filed comments in support of the Petition.

Sprint Corporation does not oppose a temporary waiver so long as it does not extend beyond a date certain. MediaOne Group opposes the Petition, but states that if the Commission does grant the Petition, the Commission should set a date certain after which mandatory ten-digit dialing would be required in any area subject to an overlay.

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The Association for Local Telecommunications Services (“ALTS”), AT&T Corp (“AT&T”), MCI WorldCom, Inc. (“MCI WorldCom”), and WinStar Communications, Inc. (“WinStar”) oppose the Petition outright.

I. THE PUBLIC INTEREST SUPPORTS GRANTING THE ICC WAIVER REQUEST.

AT&T, MCI WorldCom, WinStar and ALTS argue that granting a temporary waiver of the 10-digit dialing requirement until overlays are implemented throughout the Chicago metropolitan area would increase customer dialing confusion rather than reduce it. They also argue that if the ICC is concerned about customer dialing confusion from the piecemeal implementation of mandatory 10-digit intra-NPA dialing, the ICC can avoid the problem by implementing mandatory 10-digit dialing throughout the Chicago metropolitan area when the first overlay is implemented, rather than the last. These opponents of the waiver are wrong on both counts.

First, implementing an all-service overlay without mandatory 10-digit intra-NPA dialing would not cause customer dialing confusion. Customers throughout the metropolitan area simply would continue to dial the area code when dialing outside their own area code. Within their own area codes, customers either would dial seven digits or ten digits, just as they do today. There would be no dialing confusion because there would be no change in dialing patterns.

Second, implementing mandatory 10-digit intra-NPA dialing at the beginning of the overlay process, rather than at the end, would inconvenience the public without serving any public purpose. Customers do not like being ordered to dial 10 digits to make every call when there is no technical requirement to do so, and they have

acquiesced in ten digit dialing only because it is a regulatory requirement for an all service overlay. For the ICC to impose mandatory ten-digit dialing before it is required by an overlay NPA, as the waiver opponents suggest, would be directly contrary to the public interest that the ICC is endeavoring to protect.

By contrast, if mandatory 10-digit dialing were delayed until the end of the overlay process, as the ICC waiver requests, customers would be better able to understand and accept the requirement because it would be part of a natural progression toward ten digit dialing. Due to the proliferation of area codes in the Chicago metropolitan area, customers already dial ten digits for a significant percentage of their calls, including local calls, and they do not perceive any disadvantage in doing so. When overlay NPAs are introduced in these communities, ten-digit dialing of local calls will increase proportionately. At some point, customers will conclude that it is simpler to dial ten digits for all calls whether they have to or not. At that point, mandatory 10-digit dialing becomes a non-event.

II. THE COMPETITIVE CONCERNS ASSOCIATED WITH GRANTING THE TEMPORARY WAIVER ARE OVERSTATED.

AT&T, MCI WorldCom, WinStar and ALTS engage in the usual hyperbole about the alleged anticompetitive effects of an all-service overlay without mandatory 10-digit dialing. Their argument is that CLECs will have to rely disproportionately upon numbers from the overlay NPA, and customers will be reluctant to take service from the CLECS because most callers will have to dial ten digits to reach the customer. Regardless of what may be the situation in other parts of the country, this argument has little merit today in the Chicago metropolitan area, for several reasons.

First, Chicago area customers often live and work, live and shop, and live and socialize in different area codes, and they are accustomed to dialing different area codes, even for local calls. In this environment, there is little likelihood (and no evidence) that customers choose whom they will call depending on how many digits they have to dial.

Second, with number porting, thousand block number pooling and number conservation all in effect in the Chicago area, CLECs have significant access to telephone numbers in existing NPAs. According to current Local Exchange Routing Guide (“LERG”) data, CLECs already have been assigned 905 NXX codes (over 9,000,000 numbers) in the five Chicago area NPAs.¹ In the 847 NPA, an additional 860 thousand blocks (860,000 numbers) have been made available through pooling,² and additional numbers will be made available in the other NPAs as thousand block pooling is expanded. As of September 1, 1999, 139,453 telephone numbers have been ported between carriers in these NPAs.³ The CLECs’ continuing access to numbers in existing NPAs in the Chicago area is another special circumstance which warrants granting the ICC’s Petition.

The opponents also argue that availability of numbers to existing CLECs is not enough. The Commission must be concerned about CLECs, which may enter the market in the future. Ameritech disagrees. Customers become acclimated to new area codes

¹ This information is available from the number administrator at “www.napa.com/numbers_resource_info/co_code_assignments”.

² Report of the Number Administrator on the 847 Exhaust filed with the Illinois Commerce Commission on August 9, 1999, p. 1. This Report is available on the Lockheed Martin Web site, “www.numberpool.com” at “www.numberpool.com/POOL/online/Reports”.

quickly. By the time a new carrier obtained certification and entered the market, the overlay code would be an accepted part of the number landscape offering no disadvantage to carriers or customers. The Commission already has determined in its Rule 52.19(c)(3)(iii) that numbers need only be available to carriers that are certificated 90 days before the overlay is introduced.

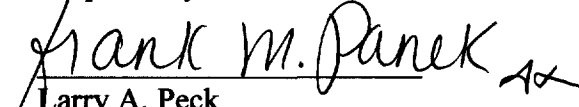
Third, in the Chicago area, it is not evident that the CLECs will use a disproportionate share of the numbers from the overlay NPAs. Because of number conservation and thousands block number pooling, Ameritech has a significantly higher fill rate than is normally the case when an NPA relief plan is implemented and a much higher fill rate than the CLECs. Because Ameritech serves a large embedded base of customers, Ameritech has a continuous need for numbers. This ongoing demand for numbers is apparent from the 847 number pooling trial. According to the September 24, 1999, Lockheed Martin report, published on its Web page,⁴ Ameritech has received 141 of the 332 thousands blocks (42%), which have been assigned in the 847 NPA. Similarly, when the overlays are implemented, Ameritech can be expected to be an early and frequent user of numbers from the overlay NPAs. Surely, there can be no disadvantage to a CLEC from offering customers numbers in a new NPA, when Ameritech is doing the same thing. This is a third special circumstance in the Chicago area, which warrants granting the ICC Petition.

³ This number was derived from Ameritech's Local Service Management System ("LSMS") database, which contains all ported and pooled telephone numbers.

⁴ See cite at fn. 2 *supra*.

WHEREFORE for all the reasons stated, Ameritech recommends that the Commission grant the ICC Petition for an Expedited Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii).

Respectfully submitted,


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Dated: September 30, 1999

CERTIFICATE OF SERVICE

I, Edith Smith, do hereby certify that a copy of Ameritech's Reply Comments has been served on all parties on the attached service list, via U.S. mail on this 30th day of September, 1999.

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